

REMARKS

By this Amendment, Applicant amends claims 1-11. Applicant also adds new claim 12, and therefore claims 1-12 are all the claims pending in the application.

Applicant thanks the Examiner and the Supervisory Examiner for the courtesy of the telephonic interview granted on November 12, 2009.

Claim Rejections - 35 U.S.C. § 103

Claims 1-11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Inoue et al. (U.S. Pub. 2001/0011373, hereinafter “Inoue”) in view of Kondo et al. (U.S. Patent 6,763,522, hereinafter “Kondo”). Applicant respectfully traverses the rejection.

Claims 1, 3, 6, and 11

Claim 1 recites (emphasis added):

A method of controlling a program guide display using an electronic program guide (EPG), the method comprising:

(a) in response to a command to enter an EPG mode, displaying EPG information of N channel numbers, which EPG information has been previously stored; and

(b) whenever a selected channel number is selected from among the N channel numbers for which the EPG information is displayed, tuning the selected channel number and updating only EPG information corresponding to the selected channel number.

Kondo discloses a method of providing an electronic program guide (EPG) for a digital television. *See* Kondo, Abstract. At column 1, lines 56 to 64, Kondo distinguishes television channels as being either a “major channel” or a “minor channel” (shown below):

It is therefore practical to provide services (virtual channels) carried in a physical transmission channel (19 Mbps of bandwidth for the United States)

numbering ten or more. For example, a service provider that is broadcasting television data over a broadband physical channel (major channel) is able to simultaneously broadcast multiple DTV programs over virtual channels (minor channels), with each minor channel having its own associated event content and event schedule elementary digital data streams.

Figures 2A to 2D of Kondo further illustrate the distinction between a “major channel” and a “minor channel.” For example, in Figure 2A, a major channel (51) is “FOX” (*i.e.*, a broadcasting network) and minor channels (54) associated with the major channel (51) are “FOX-1”, “FOX-2”, etc. *See* Kondo, col. 6, ll. 7-22. Applicant respectfully notes, Figures 2A to 2D of Kondo do not illustrate the major channels (*e.g.*, “FOX”, “HBO”, etc.) as being associated with a “channel number.” Rather, Kondo discloses that the “EPG...includes a list of major channels.” *See* Kondo, col. 6, ll. 40-45, *but see* Inoue, FIG. 3, “130ch”, ¶ 83, “channel 130”. At best, assuming *in arguendo*, Figures 2A to 2D of Kondo might illustrate that the minor channels (*e.g.*, “FOX-1”) are associated with a “channel number,” however Kondo also characterizes these channels as “a list of minor channels.” *See* Kondo, col. 6, ll. 44-45.

Even if each of the “major channels” and the “minor channels” of Kondo could somehow be interpreted as being associated with a “channel number,” Applicant respectfully submits that the combination of Inoue and Kondo neither teaches nor suggests “(b) whenever a selected channel number is selected from among the N channel numbers for which the EPG information is displayed, tuning the selected channel number and updating only EPG information corresponding to the selected channel number.” This is because neither Inoue nor Kondo, taken alone or in combination, discloses “updating only EPG information corresponding to the selected channel number.”

Kondo discloses how the system operates when the EPG information is displayed on the television. Specifically, as illustrated at steps 127 and 128 in Figure 5 of Kondo, the system polls “for new channel selection detection.” *See* Kondo, col. 11, ll. 58-61. If the system detects a new minor channel selection, the system processes and displays the audio and video of the newly selected minor channel. *See* Kondo, col. 11, l. 66 - col. 12, l. 4. On the other hand, if the system detects a new major channel, the system updates EPG information for the new major channel and all minor channels associated with the major channel. *See* Kondo, col. 12, ll. 5-9; *see also*, Kondo, col. 7, ll. 13-19. Specifically, the system tunes to the frequency of the new major channel (*see* Kondo, col. 8, ll. 8-10) and analyzes all the PSI streams of minor channels associated with major channel (*see* Kondo, col. 8, ll. 20-29, col. 10, l. 63 - col. 11, l. 54). More specifically, the system analyzes version numbers in a Master Guide Table (MGT) (*see* Kondo, col. 10, ll. 1-12) to determine whether minor channels in a Virtual Channel Table (VCT) (*see* Kondo, col. 9, ll. 1-12) associated with the selected major channel (*see* Kondo, col. 10, ll. 43-48) change, determine whether events or messages for minor channels of the VCT in an Event Information Table (EIT) (*see* Kondo, col. 9, ll. 16-18) change, and determine whether information on television programs associated with each of the minor channels of the VCT in an Extended Text Table (ETT) (*see* Kondo, col. 9, ll. 18-20) change.

Accordingly, at best, Kondo discloses two options for updating the EPG information when a channel is changed: 1) if the selected channel number is a minor channel, the system simply displays the audio and video of the newly selected minor channel; and 2) if the channel number is a major channel, the system updates EPG information for the major channel and its associated minor channels. There is no teaching or suggestion of “updating only EPG

information corresponding to the selected channel number.” Rather, in Kondo, if the selected channel number is a minor channel, no updating is performed, and if the selected channel number is a major channel, updating of both the major channel and all minor channels associated with the major channel is performed.

As a result, Applicant respectfully submits that Kondo fails to teach or suggest “(b) whenever a selected channel number is selected from among the N channel numbers for which the EPG information is displayed, tuning the selected channel number and updating only EPG information corresponding to the selected channel number.”

At page 3 of the Office Action, the Examiner concedes that Inoue fails to teach or suggest this claimed feature. Accordingly, even if Inoue and Kondo could have somehow been combined, Applicant respectfully submits that claim 1 and its dependent claims would not have been rendered unpatentable by the combination of Inoue and Kondo for at least these reasons.

To the extent independent claims 3, 6, and 11 recite features similar to those discussed above recited in claim 1, Applicant respectfully submits that claims 3, 6, 11, and their dependent claims also would not have been rendered unpatentable by the combination of Inoue and Kondo for reasons analogous to those discussed above regarding claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/697,801

Attorney Docket No.: Q77358

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/ Christopher J. Bezak /

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Christopher J. Bezak
Registration No. 63,241

Date: December 4, 2009